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### CITIZENS' DUTY IN COUNTIES

(Continued from Page 1.)

County Act. True, the conflict is not ended. There is pending an appeal to the courts for deliverance from popular government in that the whole County Act is attacked, but my impression is, that this appeal will fall in the courts just as it failed before the bar of public opinion, and in the halls of legislation.

Mr. Stewart then gave an outline of the County Act, laying stress upon the duties of the Supervisors and the necessity of electing good men. In the course of his analysis, he touched upon the litigation now pending in the courts, and said:

#### Issue in the Courts.

"I do not think that we need fear that the entire County Act will be declared invalid. The main point at issue is the Territorial Board of Public Institutions. The Legislature in the County Act established such a board, making the Governor, the Secretary of the Territory, the Treasurer, the Auditor and the Superintendent of Public Institutions members of it. It gives the Board control of territorial, penal and charitable institutions, of the executive and judicial buildings, of the harbors and wharves, and fixes the duties of the board in connection with the same. Indeed, the chapter in the County Act covering the Territorial Board of Public Institutions may be called a chapter legislating the Superintendent of Public Works out of office, as it takes from that officer practically all of the powers and duties conferred upon him by our general statutes, and which from the earliest period belonged to the Minister of the Interior.

#### Decision of Court.

"No wonder the Superintendent of Public Works has challenged that provision of the Act. Almost any public officer would do just what the Superintendent has done, and the Circuit Court has agreed with him and has declared the chapter invalid, substantially on the ground that it conflicts with that section of the Organic Act which provides that each law shall embrace but one subject, which shall be expressed in its title. The Circuit Court holds that the title of the County Act is dual in that it provides (1st) for the organization and government of counties and districts, and (2d) for the management and control of public works and public institutions therein, the contention being that there should be an Act providing for the organization and government of counties, and another Act providing for the management and control of public works and public institutions.

#### Will Not Cripple Act.

"Now, if the Circuit Court should be sustained by the Supreme Court, it will not upset or cripple the County Act. The effect will be simply to leave the Superintendent of Public Works where he now is, and instead of putting the Territorial institutions and property within the counties in the hands of the board, they will remain under the control of the Superintendent of Public Works, as is now provided for by the general statutes of the Territory.

#### Machinery Is Complete.

"The county machinery is complete. There remains only the election to get it in running order. Registration and election are provided for, and they will be substantially what they now are under the general statute. The election will be held on November 3d. The county officers will enter upon the discharge of their duties January 4th and they will serve for one year only, as there will be another election next November, and, thereafter, the elections will take place every two years, bringing them at the same time as the general elections.

#### Nothing to Prevent Election.

"The Governor of the Territory is charged with the duty of issuing a proclamation sixty days prior to November 3d. I do not believe that he will hesitate for a moment to perform every duty enjoined upon him by the County Act, although the Act is being tested in the courts. The Secretary of the Territory is charged with the duty of preparing election blanks and putting the election machinery generally in shape for running. I do not believe that he will hesitate to perform one

single duty, which is enjoined upon him by the County Act. I see nothing to prevent an election under the Act, unless some officer charged with the performance of some duty should prove recreant to his trust, and should make trouble from a spirit of pure capriciousness.

#### Duty to Prepare.

"It is, therefore, our duty to gird ourselves for the election conflict, and to do our full duty, commencing with the primaries and ending with the declaration of the result on the day of election.

#### Hawaiian Party Talk.

"Now, the question arises how shall we do our duty under this County Act. Some say that all Hawaiians should combine together and nominate a ticket composed of Hawaiians and set up a government of Hawaiians. Those favoring such a proposition say that this is the home of native Hawaiians; that they have lost the control of their home government by circumstances over which they had no control, and now that they have the opportunity they should again make the governmental conditions the same as in the days of the Kamehamehas.

#### Argument Against It.

"Against this proposition many friends of Hawaiians declare that the consolidation of Hawaiians would force upon the territory a race issue, which would eventually result disastrously to the Hawaiians, as it would arouse sentiment against them not only here but in Washington, and everywhere throughout the nation. If this sentiment should ever be aroused, it would sweep away the last vestige of power from the Hawaiians. They would have practically no representation, either in the election of public officials or in the management of public affairs.

#### Race Issue Not Success.

"Nowhere in the United States has a race issue ever proven a success. Irish-Americans could not organize as a separate political body and accomplish anything in New York. German-Americans could not organize as a separate political body and accomplish anything in St. Louis or Cincinnati. There is no room within the United States for any one race to raise the banner of race domination. True, it is done now in the South; but conditions there are abnormal, and the political status of the South will change under fire of public opinion."

In the discussion of this point, the speaker was repeatedly and heartily applauded.

#### Question of Parties.

"Another class of persons say that we should organize a citizen's party, while others say that we should make the fight on party lines in order to maintain the party intact for the great issues which will confront us next fall. Our next party conventions will send delegates to the National Republican Convention as well as to the National Democratic Convention. They will vote for the next President of the United States. They will also probably designate the member of the National Committee. The Republican delegates and member of the National Committee will have much to do with the appointments to be made next summer in both the executive and judicial branches of our Territorial Government. The general development of the Territory will be largely promoted by and through party organization in touch with those on the Mainland.

#### Nominate Capable Men.

"But, gentlemen, no matter along what lines we do our duty under the County Act, it behooves us to nominate our best men, men who are known to be honest and capable, and who will serve the people's interests and not their own. The Territory will do itself irreparable injury, unless it maintains an honest, economical and business-like government, and to that end it must put forward its best men."

The speaker was heartily applauded at this point.

"The duty to aid in this work is upon you and is upon me. The eyes of the whole nation are upon us in this our first effort at American local self-government. Some people hope to see us fail; some people expect to see us fail; and we should justify their reasonable expectations and by our success cover in shape for running. I do not believe that we will hesitate to perform one

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